REMARKS

Summary of the Office Action

Claims 9 and 11 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,808,682 to Okunoki et al. ("Okunoki").

Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of U.S. Patent No. 5,729,295 to Okada.

Claims 4 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of U.S. Patent No. 5,990,860 to Takeuchi.

Claims 9 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of U.S. Patent No. 5,223,493 to Crosby.

Claims 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of U.S. Patent No. 6,529,214 to Chase et al. ("Chase").

Summary of the Response to the Office Action

Applicants have amended claims 1 and 5.

Applicants have canceled claims 2, 3, 6 and 7 without prejudice or disclaimer.

Claims 1, 4, 5 and 8-12 are pending.

Matters of Form

Applicants respectfully request that the Examiner indicate consideration of the document cited in the Information Disclosure Statement filed on January 3, 2005 by returning a copy of the initialed Form PTO-1449 to Applicants.

All Claims Define Allowable Subject Matter

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Okunoki. Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of Okada. Applicants have canceled claims 2, 3, 6 and 7 without prejudice or disclaimer, rendering the rejection of these claims moot. Applicants respectfully traverse the rejection under 35 U.S.C. § 102(b), of claims 1 and 5. Applicants have amended claims 1 and 5 to include the features of claims 3 and 7 respectively.

Claim 1 now recites an image processing apparatus for processing static image information and moving image information stored in an image information storing device, including the image information storing device, an image processing device, and a determining device. The image information storing device stores a plurality of the static image information, and a plurality of the moving image information. The plurality of the moving image information includes a plurality of the element static image information each having the amount that is less than that of one static image information. The image processing device reads the static image information and the moving image. The determining device determines whether the static image information is being read or the moving image information is being read. The image processing device generates the processed image information without enlarging the static image information

when the determining device determines that the static image information is being read, and generates the processed image information by enlarging the element static image information when the determining device determines that the moving image information is being read.

In rejecting now canceled claim 3, the features of which are now included in amended claim 1, the Office Action acknowledges that Okunoki does not disclose a device for determining whether the static image information is being read or the moving image information is being read, and relies on Okada for a showing of these features. At paragraph 8, the Office Action describes that Okada "discloses a device for determining whether or not the image information being read is static or moving (Okada col. 3, lines 12-19)."

At col. 3, lines 12-19, Okada merely recites that "[i]t is an object of the present invention to provide an image (Video) sequence encoding device which is capable of extracting a specified area and a motion area from an image and quantizing and encoding the extracted areas without encoding unnecessary items included in a background area, thereby assuring an improved quality of the selected area, *e.g.*, a face area in the image." (emphasis added).

The Office Action appears to consider that a specified area corresponds to a static image of Applicants' invention and a motion area corresponds to a moving image of Applicants' invention. However, both a specified area and a motion area of Okada are extracted from "an image". This "image" is Video, *i.e.*, a moving image. An object of Okada's image processing is only a moving image, and not a static image. In other words, Okada extracts a specified area and a motion area from "an image" without determining whether an image being read is a static image or a moving image.

In contrast, as described at page 10, lines 15-27 of Applicants' specification, in the present invention it is clear that a plurality of element static image information that constitutes moving image, and static image information corresponding to the static image displayed in the monitor 11 during the function selecting processing are stored in the image data ROM 6. In other words, both of the static image which is unnecessary to adjust its size, and the plurality of element static image information constituting moving image which is necessary to adjust its size, are mixed in the image data ROM 6.

The image processing device generates the processed image information without enlarging the static image information when the determining device determines that the static image information is being read, and generates the processed image information by enlarging the element static image information when the determining device determines that the moving image information is being read.

As a result, even if an information amount of the element static image information is less than that of the static information, it is possible to display the element static image in the same size as the static image. Further, it is possible to read moving image information speedily and perform the image processing speedily by using such an element static image whose amount is less than that of the static image. Moreover, an amount to store the element static image information in the image data ROM 6 can be increased. Since the present invention is provided with a determining device and an image processing device as recited in the amended claim 1, these remarkable and specific effects of the present invention are produced.

As described above, an object of Okada's image processing is only a moving image. Accordingly, Applicants submit that Okada does not teach or suggest a determining device and

an image processing device, as recited in amended claim 1.

Claim 5 now recites an image processing method, including determining whether static image information is being read or moving image information is being read from an image information storing device. A process of generating processed image information generates the processed image information without enlarging the static image information when the determining device determines that the static image information is being read, and generates the processed image information by enlarging the element static image information when the determining device determines that the moving image information is being read. For the reasons described above, Applicants submit that Okada does not teach or suggest determining, and generating processed image information, as recited in amended claim 5. Applicants respectfully request that the rejection under 35 U.S.C. § 102(b), of claims 1 and 5, be withdrawn.

Claims 4 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of Takeuchi. Claims 9 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of Crosby. Claims 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki in view of Chase. Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a). Claims 4, 9 and 10 depend from claim 1, and claims 8, 11 and 12 depend from claim 5. The dependent claims recite the same combination of allowable features recited in the respective independent claims, as well as additional features that define over the prior art. Applicants respectfully submit that Takeuchi, Crosby, and Chase fail to overcome the above-described deficiencies of Okunoki and Okada. Applicants respectfully request that the rejections under 35 U.S.C. § 103(a), of claims 4 and 8-12, be withdrawn.

Claims 9 and 11 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing

to comply with the written description requirement. Applicants respectfully traverse the rejection under 35 U.S.C. § 112, first paragraph. The Office Action states that "the specification fails to mention anything about sequentially displaying the static and moving images." Applicants respectfully traverse these assertions for at least the following reasons. Static images associated with embodiments of the instant application may be utilized as a static image selection screen displayed, for example, in a car radio monitor. A user can select various functions via this static image selection screen. For example, a source of audio information or a place to which audio data is to be output, can be selected. If a user desires to select functions from another selection screen, a new static image selection screen will be presented to the user.

An aesthetically pleasing way to change from one static image selection screen to another static image selection screen is to present a series of moving images that are "displayed by transmitting a plurality of frames of static image as if it were a series of so-called animation." The instant application refers to the static images making up the moving image information as "element static image information." The instant application refers to the static images making up the static image selection screens as "static image information."

As described at page 7, lines 21-25, "a plurality of the static images used for selecting functions is displayed so as to be connected with the moving images so that the static and moving images are displayed as if they were ... continual animation."

It is well understood in the image processing arts that a moving image can be formed by displaying a plurality of static images in sequence. This concept goes beyond the image processing arts, as alluded to in the specification's reference to "continual animation." In other words, it is well understood in the art of animation that a sequential display of a plurality of static

images results in a display of apparent motion.

While the actual words "sequential display" may not have been included in the specification, it is clear that the original disclosure supports this feature. As noted above, the "continual animation" teaching is disclosed at various portions of specification. Moreover, page 13, lines 5-7 of the specification explain that RAM 8 shown and described in connection with Figs. 1, 4 and 5, for example, "stores and outputs image information similarly to so-called FIFO (First In First Out) memory." Thus, each image, including both the element static image information and the static image information, is output one at a time in a sequential manner.

Even further, lines 14-20 of page 14 explain how the monitor 11 of Fig. 1 displays an image signal Sout "per one image unit." This portion of the specification also teaches that the image signal Sout is determined to be either static image information or element image information. This portion of the specification goes on to specifically teach that the "moving image is displayed by displaying a plurality of element static image information successively (emphasis added)." Page 15, lines 12-14 also describe how output image data is "either the static image information or the enlarged element static image information (emphasis added)" supporting the teaching that these respective types of image information are output one at a time in a sequential manner. *See also*, page 15, lines 20-24, page 16, line 16 – page 17, line 5.

Page 17, lines 22-27 explain that the two static image selection screens are "connected with successive moving image which comprises a plurality of consecutive element static image information (emphasis added)." It is clear from the specification's use of the words "successive" and "consecutive" in this regard that each image data is shown sequentially, one at a time. Even further, the description of Figs. 6A – 6D at page 18, lines 1-16 of the specification clearly

explains that the image SG of Fig. 6A, MG of Fig. 6B, MG of Fig. 6C and SG of Fig. 6D are displayed one at a time in a sequential manner. For example, lines 6-7 of page 18 explain how "the static image SG shown in Fig. 6A is switched over to moving image MG shown in Fig. 6B (emphasis added)."

Thus, it is clear from the totality of at least the foregoing examples that the disclosure of the instant application, as originally filed, fully supports the "sequential display" feature of claims 9 and 11. There should be no confusion remaining with regard to the fact that the static image information and the element static image information, as described in the specification and drawings of the instant application, are sequentially displayed as a series of individual images. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all pending claims in condition for allowance. Applicants submit that Amendment does not raise new issues or necessitate additional search of the art by the Examiner.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 26, 2005 By: _____

Peter J. Sistare
Registration No. 48,183

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202.739.3000